

### **REMARKS**

The undersigned respectfully requests that the Examiner reconsider the application in light of the following remarks. The foregoing amendment corrects an inadvertent error in claim 25 so that claim 25 is now consistent with the independent claim from which it depends. The amendment should be entered to place the claim in condition for allowance or alternatively to place the claim in better condition for appeal.

#### **The Specification Satisfies the Written Description Requirement**

The Examiner rejected claims 1, 3-13 and 15-25 under 35 U.S.C. § 112, first paragraph and alleged that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner alleged that the specification does not disclose “selecting a first video frame received from said first decoder; transforming a first video frame; and combining said transformed first video frame with source content received from said second decoder to create a newly rendered video frame as the new content.” The cited language appears in independent claims 1, 12, and 20.

The application as filed describes the cited elements. There are numerous descriptions of the creation of new content. For example, Figure 1 illustrates one implementation of the “digital content decoding, composition, mixing, storage, encoding, and other functions which may be carried out to support systems for localized content distribution.” Page 9. The video processor 18 can be an “Open GL Linux/XFree86 4.0xGLX or DRI supported hardware accelerated graphics processor” and can use various components to create a finished video frame including: “video frames from the primary decoder” and “video frames from the non-primary decoders.” The video processor is “[p]referably able to perform 1000 texture operations equating to 10 full screen coverages for every 1/30<sup>th</sup> of a second.” Page 12. The control functionality 24 can “control production of content in the form of video frames and audio” and control “timing and operation of video processor 18 in cooperation with RAM 16 and the source and new content that is being

handled and created.” Page 15. The Abstract describes “decoding the content signals; storing, process[ing] and otherwise handling the signals in order to produce altered content such as local weather or sports content.”

Original claim 1 recited “graphics processing circuitry (coupled to said storage circuitry), which is adapted to produce new content (video frames, content customized to geographical area, content customized to consumer preferences) using said source content.” Original claims 12 and 20 recited “transforming components of said first content signal and said second content signal into video content” and “processing and organizing said video content to form said new content.”

To satisfy the written description requirement, the claimed invention must be described in sufficient detail so that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. The originally filed claims are part of the disclosure and can constitute their own description. MPEP 2163.

Since the elements cited by the examiner are described in sufficient detail in the specification so that one skilled in the art can reasonably conclude that the inventors had possession of the invention, it is respectfully requested that the rejection based on Section 112, first paragraph be withdrawn.

#### **Allen Does Not Describe a Control Program**

The Examiner’s continued reliance on Allen to describe a control program received from the host is in error and does not address the arguments presented in the prior responses distinguishing the claimed control program from the cue tones described by Allen. Claim 1 requires that the graphics processing circuitry produces new content *under control of the control functionality*, and that the control functionality is *directed by a control program received from the host*, and claims 12 and 20 require “according to control signals which are controlled by a *control program received from the host*, processing and organizing. . . to form new content.” (*emphasis added*).

Although the Examiner alleged that Allen describes a control program received from a host, the sections of Allen cited by the Examiner describe switching between national and

local advertisements based on cue tones. Allen states that a “cue tone typically consists of four (4) standard dual-tone multi-frequency (DTMF) signals. A standard DTMF signal has one (1) of 16 values. Thus, a cue tone may represent one (1) of 65,536 (i.e.,  $16^4$ ) possible values.” Column 17, lines 60-64. Allen also describes that different cue tones (different values) represent different timing points, such as the start or end of certain periods. Column 17, lines 54-50. Figure 7A of Allen illustrates a Cue Tone DTMF Decoder 726 for determining the value associated with the cue tone. Even though a program may be able to use a cue tone, a cue tone itself is not a control program. *See* Response to Office Action dated July 11, 2008, pages 8-9; submission accompanying an RCE filed April 8, 2008, pages 8-9.

The cue tone of Allen does not provide the same function as the claimed control program. The control program controls the control functionality/control signals that create new content. A cue tone does not create new content. It merely indicates a point in time within the network feed, such as the start of a pre-roll period, the start of the transfer to ad interval, and the end of the interval.

Claim 25 depends from claim 12 and requires that the control program is received from the host asynchronously from the first digital content signal, where the first digital content signal is processed to provide new content. In rejecting claim 25, the Examiner cited Column 30, line 13-Column 31, line 1+ of Allen. The cited section of Allen is contrary to the Examiner’s argument since it describes that “[e]ach channel of the network feed will include cue tones.” Column 30, lines 44-45. Allen describes that the cue tones are received synchronously with the network feed and thus, teaches away from claim 25.

The distinction between a cue tone and a control program is clear and has been argued in previous response. However, instead of responding to the arguments, the Examiner merely continues to recite sections of Allen that describe a cue tone. In light of the foregoing, the cue tone of Allen does not describe the claimed control program and the rejection based on Allen should be withdrawn.

**CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

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